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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,466	01/31/2001	Akilan Tiburtius	27950-00458USPT	7075
27902	7590	01/20/2004	EXAMINER	
ERICSSON RESEARCH CANADA 8400 DECARIE BLVD. MONTREAL, QC H4P 2N2 CANADA			AGDEPPA, HECTOR A	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,466

Applicant(s)

TIBURTIUS ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001 and 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,160,877 (Tatchell et al.)

As to claims 1 – 5, 7 - 12, 14 – 17, and 19, Tatchell et al. teaches a system and method wherein a personal agent may intercept an incoming call from a first party before routing the call to a second party, which is a subscriber of the personal agent system. Tatchell et al. further teaches that only one network address, such an office telephone number, is needed/may be dialed by the first party to reach the second party at any of a plurality of other network specific addresses, wherein those other network specific addresses include other landlines such as a home telephone or a mobile unit which inherently would reside/operate on a separate wireless network. (Col. 6, line 61 – Col. 7, line 9, Col. 9, lines 29 – 63)

The system of Tatchell et al. is implemented on an AIN and the personal agent may be located at switching node which is also a service switching point (SSP), wherein the personal agent receives the originating call request and performs the claimed

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“translation” of addresses. (Col. 7, lines 15 – 23) For example, an initial address message (IAM) is formulated and routed to the node handling a call to the subscriber's office. If the personal agent is triggered, the call is received at the personal agent processor 27 located at a service control point (SCP) where the initial office address is “translated” into a number associated with an alternate terminating office such as the subscriber's home number and the call is then completed to the alternate number. Note also that at least the subscriber service profile database/record (which have included therein, the alternate network specific addresses) is located at the SCP wherefrom the “translation” is done and is standard operating procedure for any AIN system, the switching node completes the call routing to that alternate number. (Col. 9, line 64 – Col. 10, line 39, Col. 12, lines 58 – 66).

Also, note that Tatchell et al. teaches that the personal agent verifies whether an incoming call is voice or data, which reads on the claimed “origination further including a context for the origination.” Tatchell et al. also teaches routing an incoming call to a network specific address based on that call context. (Col. 4, lines 1 – 43, Col. 21, lines 24 – 51)

Finally, because again, Tatchell et al. operates in an AIN environment and uses signal transfer points (STPs) in routing and completing calls, the system and method includes establishing a packet data session inasmuch as STPs are AIN/SS7 nodes which act as packet switches that examine and route messages to the appropriate switching nodes and databases. (Col. 6, lines 21 – 60)

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As to claims 6, 13, and 18, it is inherent that the context identifies a network over which the originated communication is to occur since as discussed above, the routing is dependent on the initial determination of whether a call is voice or data and if a call is voice, certain routing is done to that call and if a call is data, certain, different routing is performed on that call. (Col. 21, lines 19 – 51)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 20 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.)

As to claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, the system and method taught by Tatchell et al. has been discussed above.

What Tatchell et al. does not teach is the implementing the system and method in a third generation wireless network (3GR).

However, 3GRs are now old and well known in the telephony arts and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the system and method of Tatchell et al. on such a system because a 3GR is merely a platform upon which the above-discussed features could be implemented on. Such an implementation merely involves an obvious design choice. Moreover, Tatchell et al., as discussed above, contemplates a system and method that already involves a wireless network.

As to claims 23, 31, and 37, see the above rejection of claims 6, 13, and 18.

As to claim 25, Tatchell et al. has been discussed with regards to its operation in various types of networks whether landline, data, or wireless. The limitation cited in claim 25 is merely another variation wherein a call may be originated on one type of network and terminated on another.

As to claim 26, second generation wireless networks are also old and well known in the telephony arts and for the same reason/motivation given in the rejection of claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included in the various networks contemplated by Tatchell et al., a second generation wireless network.

Such a feature is an obvious extension inasmuch as wireless providers such as AT&T and T Mobile for example employ the use of both 3G/Next Generation wireless networks and the traditional/second generation wireless networks. The motivation for such a feature is merely a desire to have system that operates in as many existing networks as possible.

As to claim 28, Tatchell et al. has been discussed above. What Tatchell et al. does not teach is having the translation function performed by a switching node (SSP) instead of a processing node (SCP).

However, it is well known in the AIN telephony arts that functionality of network elements/nodes may be shifted to or located in different network elements/nodes. The limitation cited in claim 28 is merely moving the translation function from an SCP to an SSP and such would be obvious to one of ordinary skill in the art at the time the invention was made. Many motivations exist for shifting the functionality of one element/node to another such as to increase efficiency and speed of operation, for example, by having the translation performed at a switching node, the speed of operation would be increases because the time normally taken to query an SCP and wait for its response would be eliminated.

3. Claims 1 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 6,069,945 (Brown et al.)

As to claims 1 – 5, 7 - 12, 14 – 17, and 19, Tatchell et al. teaches a system and method wherein a personal agent may intercept an incoming call from a first party

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before routing the call to a second party, which is a subscriber of the personal agent system. Tatchell et al. further teaches that only one network address, such an office telephone number, is needed/may be dialed by the first party to reach the second party at any of a plurality of other network specific addresses, wherein those other network specific addresses include other landlines such as a home telephone or a mobile unit which inherently would reside/operate on a separate wireless network. (Col. 6, line 61 – Col. 7, line 9, Col. 9, lines 29 – 63)

The system of Tatchell et al. is implemented on an AIN and the personal agent may be located at switching node which is also a service switching point (SSP), wherein the personal agent receives the originating call request and performs the claimed “translation” of addresses. (Col. 7, lines 15 – 23) For example, an initial address message (IAM) is formulated and routed to the node handling a call to the subscriber’s office. If the personal agent is triggered, the call is received at the personal agent processor 27 located at a service control point (SCP) where the initial office address is “translated” into a number associated with an alternate terminating office such as the subscriber’s home number and the call is then completed to the alternate number. Note also that at least the subscriber service profile database/record (which have included therein, the alternate network specific addresses) is located at the SCP wherefrom the “translation” is done and is standard operating procedure for any AIN system, the switching node completes the call routing to that alternate number. (Col. 9, line 64 – Col. 10, line 39, Col. 12, lines 58 – 66).

The term "translation" is not necessarily a term of art, but interpreted in another manner, "translation" may refer to an actual conversion of one network address into another network address. Such a feature is not taught by Tatchell et al.

However, Brown et al. teaches a global subscriber numbering translation system for controlling international call routing wherein a global subscriber number read as the claimed network independent address, is translated into a local subscriber number. Moreover, Brown et al. contemplates as well, operation in various types of landline and wireless networks. (Abstract, Col. 1, lines 49 – 67, Col. 2, line 63 – Col. 4, line 14 of Brown et al.)

Implementing such a feature in the invention of Tatchell et al. would have been obvious to one of ordinary skill in the art at the time the invention was made inasmuch as such translations are old and well known in the art as evidenced by the teachings of Brown et al. Such an implementation would also be obvious because, in effect, the operation of the personal agent of Tatchell et al. would not be altered in way that would teach away from end result/functionality of Tatchell et al. The existing structure and method of Tatchell et al. would remain the same. The only difference would be that instead of accessing a database that "associates" a first network address with another network address and merely substituting one for the other, an actual "conversion" would be made from one network address to another. However, the idea of needing only one number with which to contact a person who has multiple numbers/network addresses where they can be reached remains intact.

Also, note that Tatchell et al. teaches that the personal agent verifies whether an incoming call is voice or data, which reads on the claimed "origination further including a context for the origination." Tatchell et al. also teaches routing an incoming call to a network specific address based on that call context. (Col. 4, lines 1 – 43, Col. 21, lines 24 – 51 of Tatchell et al.) Brown et al. also teaches the same as for example when a call is to be completed to a landline or to a wireless recipient. (Col. 3, lines 31 – 39 of Brown et al.)

Finally, because again, Tatchell et al. operates in an AIN environment and uses signal transfer points (STPs) in routing and completing calls, the system and method includes establishing a packet data session inasmuch as STPs are AIN/SS7 nodes which act as packet switches that examine and route messages to the appropriate switching nodes and databases. (Col. 6, lines 21 – 60 of Tatchell et al.)

As to claims 6, 13, and 18, it is inherent that the context identifies a network over which the originated communication is to occur since as discussed above, the routing is dependent on the initial determination of whether a call is voice or data and if a call is voice, certain routing is done to that call and if a call is data, certain, different routing is performed on that call. (Col. 21, lines 19 – 51 of Tatchell et al.) See also the distinction in origination and routing between a landline call and a wireless call in Brown et al. (Col. 3, lines 31 – 39 of Brown et al.)

As to claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, the combination of Tatchell et al. and Brown et al. has been discussed above.

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What they does not specifically teach is the implementing the system and method in a third generation wireless network (3GR).

However, 3GRs are now old and well known in the telephony arts and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the system and method of Tatchell et al. and Brown et al. on such a system because a 3GR is merely a platform upon which the above-discussed features could be implemented on. Such an implementation merely involves an obvious design choice. Moreover, Tatchell et al. and Brown et al., as discussed above, contemplate a system and method that already involves a wireless network.

As to claims 23, 31, and 37, see the above rejection of claims 6, 13, and 18.

As to claim 25, Tatchell et al. and Brown et al. have been discussed with regards to operation in various types of networks whether landline, data, or wireless. The limitation cited in claim 25 is merely another variation wherein a call may be originated on one type of network and terminated on another.

As to claim 26, second generation wireless networks are also old and well known in the telephony arts and for the same reason/motivation given in the rejection of claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included in the various networks contemplated by Tatchell et al. and Brown et al., a second generation wireless network.

Such a feature is an obvious extension inasmuch as wireless providers such as AT&T and T Mobile for example employ the use of both 3GR/Next Generation wireless

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As to claim 28, Tatchell et al. and Brown et al. have been discussed above. What they do not teach is having the translation function performed by a switching node (SSP) instead of a processing node (SCP).

However, it is well known in the AIN telephony arts that functionality of network elements/nodes may be shifted to or located in different network elements/nodes. The limitation cited in claim 28 is merely moving the translation function from an SCP to an SSP and such would be obvious to one of ordinary skill in the art at the time the invention was made. Many motivations exist for shifting the functionality of one element/node to another such as to increase efficiency and speed of operation, for example, by having the translation performed at a switching node, the speed of operation would be increases because the time normally taken to query an SCP and wait for its response would be eliminated.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
January 11, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600